

## **RESOLUTION 01-2009**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF CARROLLTON, STATE OF GEORGIA, TO REPLACE CHAPTER 22, ARTICLE VI (“PAWNBROKERS”) OF THE CODE OF ORDINANCES, CITY OF CARROLLTON, GEORGIA WITH A NEW PAWNBROKER ORDINANCE IN ORDER TO REGULATE PAWNSHOPS AND PAWNBROKERS; TO DEFINE CERTAIN TERMS; TO PROVIDE FOR THE METHOD OF ADMINISTRATION AND REGULATION; TO PROVIDE FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THE NEW ORDINANCE

WHEREAS, the Mayor and Council of Carrollton previously adopted an ordinance governing pawnbrokers in the City of Carrollton, which ordinance is currently codified as Chapter 22, Article VI of the Code of Ordinances, City of Carrollton, Georgia; and

WHEREAS, pawnshops are a potential venue for the transfer of stolen property; and

WHEREAS, in the intervening years since the adoption of the pawnbroker ordinance, new technologies have been developed to better monitor transactions at pawn shops and the property pledged, traded or sold in pawnshops; and

WHEREAS, the Mayor and City Council find it in the public interest to require pawnshops and pawnbrokers to employ these new technologies, so that transactions at pawn shops and the property pledged, traded or sold in pawnshops may be better monitored; and

WHEREAS, the Mayor and City Council of Carrollton find it in the public interest to repeal the existing ordinance governing pawnbrokers in the City of Carrollton currently codified as Chapter 22, Article VI of the Code of Ordinances, City of Carrollton, Georgia and to replace it with a new ordinance regulating pawnshops and pawnbrokers; and

WHEREAS, the Mayor and City Council find it in the public interest to allow existing pawnshops and pawnbrokers a reasonable amount of time to comply with a new ordinance;

NOW, THEREFORE BE IT RESOLVED, that – effective April 1, 2009 – the Mayor and City Council of Carrollton do hereby repeal the existing ordinance governing pawnbrokers in the City of Carrollton currently codified as Chapter 22, Article VI of the Code of Ordinances, City of Carrollton, Georgia and replace it with a new ordinance regulating pawnshops and pawnbrokers to be codified as new Chapter 22, Article VI of the Code of Ordinances, City of Carrollton, Georgia, a copy of the new Chapter 22, Article VI being attached hereto as Exhibit “A.”

The existing ordinance shall remain in full force and effect until April 1, 2009, at which time the new ordinance shall take effect.

ADOPTED this 5th day of January, 2009.

MAYOR AND CITY COUNCIL OF CARROLLTON

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Mayor, City of Carrollton

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Clerk, City of Carrollton

# Exhibit “A”

## **ARTICLE VI. PAWNSHOPS AND PAWNBROKERS**

### **Sec. 22-181. Definitions.**

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Employee* means any person who works in a pawnshop, whether on a part-time or full-time basis, regardless of whether remuneration is received or not.

*Pawnbroker* means a person lending money on personal property, taking possession of such property and holding it as a pledge or pawn, as defined in O.C.G.A. § 44-12-130, for the security of a loan, or one who purchases property with the right of repurchase or redemption. Any person who purchases jewelry, guns, pistols, household effects or other articles of merchandise or personal property, and at the time thereof gives the seller the privilege of redeeming the same thereafter, shall be held and deemed a pawnbroker.

*Pawnshop* means any business that takes or receives by way of pledge, pawn or exchange, any goods, wares, merchandise or personal property of any kind as security for the repayment of money lent thereon.

*Pawn* or *pledge* means a bailment of personal property as security for any debt or engagement redeemable upon certain terms and with the implied power of sale or default.

### **Sec. 22-182. Responsibility for enforcement.**

The city police department shall see that the provisions of this ordinance are observed and enforced.

### **Sec. 22-183. Employees.**

No person shall be an employee of a pawnshop in any capacity until such person has been fingerprinted by the city police department and has been issued an annual permit authorizing such person to be employed by a pawnshop. It shall be the duty of the pawnbroker to assure that there is compliance with the provisions of this section.

### **Sec. 22-184. Character of person connected with pawn business.**

No owner, employee, pawnbroker or any person connected with a pawnshop for which a license or permit is sought shall have been convicted of a crime involving "moral turpitude" or shall have been convicted of any crime involving felony theft, burglary, robbery, or a violation of the "Family Violence Act."

**Sec. 22-185. Annual permit.**

Before operating a pawnshop or becoming an employee of a pawnshop, any person must first file an application with the city police department for a permit to operate or be employed in the pawnshop, pursuant to the following:

- (1) The application shall be made on an annual basis;
- (2) No permit shall be issued until a fee in an amount established by the mayor and city council, a copy of which is on file in the office of the city clerk, is paid to the city;
- (3) The application shall state the address of the pawnshop; and
- (4) The application shall contain the full name, address, phone number, date of birth and social security number of any employee or pawnbroker;

The chief of police, or any other officer of the city designated by the mayor and city council, shall investigate each applicant for such license and shall report to the mayor and city council whether such applicant is a person of good character and has not been convicted of a criminal offense as indicated in this section.

**Sec. 22-186. Records of transactions.**

(a) Every pawnbroker shall maintain a permanent electronic record of its pawn transactions in which an accurate description of all property pledged, traded or sold to the pawnshop can be transmitted to the city police department via an electronic automated reporting system. Each of these transactions shall contain an accurate description of all property pledged, traded or sold to the pawnshop and shall be made at the time of each transaction, provided that the following information is included:

- (1) The date and time of the purchase, pawn or sale of the property.
- (2) The name, address and telephone number of the customer making the pledge, trade or sale.
- (3) A description of the customer in terms of sex, race, date of birth, height and weight, as well as the driver's license number of the customer or some other identification card which contains a photograph of the customer.
- (4) A description of the pledged or purchased property by serial, model or other number, if available, and by any identifying marks (e.g., brand name, color, style, etc.).
- (5) The number of the receipt or pawn transaction issued for the property pawned or bought.
- (6) The price paid or the amount loaned.
- (7) The maturity date of the transaction, if a pawn.
- (8) A photograph of the customer and the item pawned or bought which will be taken with the electronic automated reporting system at the time of the transaction.

(9) The signature of the customer.

(b) Every pawnshop shall enter each transaction as it occurs into the electronic automated reporting system or may elect to upload electronically via the internet a batch file of all transactions for each business day to the administrator of the electronic automated reporting system immediately at the conclusion of each business day. The administrator of the electronic automated reporting system will electronically transmit all transactions to the city police department.

(c) In the event that the electronic automated reporting system becomes temporarily or permanently disabled, pawnshops and pawnbrokers will be notified as soon as possible. In this event, the pawnbrokers will be required to make records of transactions in paper form. Such paper forms must include all information as enumerated in paragraph (a) of this section. Pawnbrokers shall maintain a three-day supply of these paper forms.

(d) Any duly authorized law enforcement officer may, during the ordinary hours of business or any other reasonable time, inspect any pawnbroker's electronic records at the pawnbroker's place of business to ensure compliance with this section.

(e) The chief of police or his designee shall select and designate the required automated reporting system. There will be a fee assessed to the pawnshop for each reported transaction, a copy of which fee schedule is on file in the office of the city clerk. This fee will be invoiced to the pawnbroker and collected by the chief of police or his designee, which may be a third party administrator of the automated reporting system.

#### **Sec. 22-187. Waiting period for disposal of articles.**

Any pawnbroker or employee of a pawnshop who makes a loan on pledged goods, or buys pledged goods on the condition that the seller may repurchase said goods, shall hold said goods for at least 30 days before disposing of them by sale, transfer, shipment or otherwise. Nonpledged goods bought under this section shall be held for at least seven calendar days before disposing of them by sale, transfer, shipment or otherwise.

#### **Sec. 22-188. Dealing with minors.**

It shall be unlawful for any pawnbroker or employee of a pawnshop to receive goods in pawn, trade, purchase or sale from a person under eighteen (18) years of age.

#### **Sec. 22-189. Lost or stolen items.**

(a) It shall be the duty of every person operating as or employed by a pawnbroker to report to the chief of police or his duly authorized agent any article or goods sold or pawned to him if he shall have a reason to believe that the article or goods were stolen or lost when presented by the seller or customer.

(b) With respect to any items which would normally have a serial number or other means of identification, if any pawnbroker or employee of a pawnshop becomes

aware that such items have had the identification removed, defaced or destroyed, such fact shall be immediately reported to the chief of police or his duly authorized agent.

(c) If it is determined that an item bought, sold, traded or pawned by a seller or customer to the pawnbroker or his employee is the subject of any reported theft, then the surrender of said item to the chief of police or his duly authorized agent shall be done upon demand.

#### **Sec. 22-190. Violations.**

(a) It shall be unlawful for any pawnbroker or employee of a pawnshop to violate any of the provisions of this article, whether or not such person or employee is the holder of a current valid permit issued according to the terms of this article. Further, any person failing to comply with any provision of this article or other rules, ordinances and regulations as may be passed by the mayor and city council for conduct of the business of a pawnbroker, shall upon conviction, have the license to conduct business revoked.

(b) It shall be unlawful for any pawnbroker or employee of a pawnshop to:

- (1) Make any false statement in an application for any permit provided for in this article.
- (2) Make any false entry in any record book, ledger or form required by the terms of this article.
- (3) Violate any criminal law of this state while acting in the course of business as a pawnbroker or employee of a pawnbroker.

(c) Persons who violate this article shall be guilty of a misdemeanor.

#### **Sec. 22-191. Effective Date.**

The effective date of this article shall be April 1, 2009.